

## Surface Mining Reclamation and Enforcement, Interior

## § 934.15

934.25 Approval of North Dakota abandoned mine land reclamation plan amendments.

934.30 State-Federal Cooperative Agreement.

AUTHORITY: 30 U.S.C. 1201 *et seq.*

SOURCE: 45 FR 82246, Dec. 15, 1980, unless otherwise noted.

### § 934.1 Scope.

This part contains all rules applicable only within North Dakota that have been adopted under the Surface Mining Control and Reclamation Act of 1977.

### § 934.10 State program approval.

The North Dakota State Program, as submitted on February 29, 1980, and amended and clarified on June 12, 1980 and September 9, 1980, is conditionally approved, effective December 15, 1980. Beginning on that date, PSC shall be deemed the regulatory authority in North Dakota for all surface coal mining and reclamation operations and for all exploration operations where more than 250 tons of coal are removed on non-Federal and non-Indian lands and the North Dakota Geological Survey shall be deemed the regulatory authority in North Dakota for all exploration operations where less than 250 tons of coal are removed on non-Federal and non-Indian lands. Only surface mining and reclamation operations on non-Federal and non-Indian lands shall be subject to the provisions of the North Dakota permanent regulatory program. Copies of the approved program, together with copies of the letter of the Public Service Commission agreeing to the conditions in § 934.11, are available at:

(a) North Dakota Public Service Commission, Reclamation Division; State Capitol Building; Bismarck, ND 58505-0165; Telephone: (701) 224-4096.

(b) Office of Surface Mining, 100 East "B" Street, Casper, Wyoming 82601-1918, telephone: (307) 261-5824.

[45 FR 82246, Dec. 15, 1980, as amended at 57 FR 826, Jan 9, 1992; 57 FR 37706, Aug. 20, 1992]

### § 934.12 State program amendments disapproved.

The following provision of an amendment to the North Dakota permanent regulatory program, as submitted to OSMRE on February 10, 1987, and modified on August 18, 1987, and December 14, 1987, is hereby disapproved: Paragraph (c)(4) of the North Dakota Administrative Code, Article 69-05.2-12-05.1, which would have established separate financial criteria for self-bonding by rural electric cooperatives.

[53 FR 2840, Feb. 2, 1988. Redesignated at 55 FR 1819, Jan. 19, 1990]

### § 934.13 State program provisions set aside.

North Dakota regulation NDAC 69-05.2-27-01 is inconsistent with Federal provisions for permitting and bonding of research projects and is set aside under the provisions of section 505(b) of the Surface Mining Control and Reclamation Act of 1977.

### § 934.15 Approval of North Dakota regulatory program amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
July 30, 1982 .....	February 9, 1983, November 9, 1983.	NDCC Chapter 38-14.1; subsection 5 of § 38-14.1-02, definitions of "extended mining plan," "performance bond;" 38-14.1-03; subsection 3 of § 38-14.1-07, 13; subdivision "u" of subsection 1 of § 38-14.1-14; subdivision "n" of subsection 2 of § 38-14.1-14; § 38-14.15; subsection 3 of § 38-14.1-20; subsections 17, 18 of § 38-14.1-24; subsection 4 of § 38-14.1-30; § 38-14.1-38; Chapter 38-12.1; subdivision b of § 1 of § 38-12.1-04; Chapter 38-18; subsection 3 of § 38-18-05, definition of "mineral developer;" subsection 6 of § 38-18-05, definition of "mineral owner;" subsection 10 of § 38-18-05, definition of "surface owner;" subsection 3 of § 38-18-06; § 38-18-07; NDAC 69-05.2, Chapter 69-05.2-01, 05 through 19, 21, 22, 23, 26; NDCC § 38.12.1-03.

Original amendment submission date	Date of final publication	Citation/description
February 2, 1984 .....	July 19, 1984 .....	NDAC §§ 38–14–1.02(33)(a), 04.1, .2, .3, 13(1)(b), 24(1)(1); §§ 69–05.2–05–03, 69–05.2–09–18, 69–05.2–13–12.1 through .6, 69–05.2–16–04.
February 27, 1984 ....	January 3, 1985 .....	NDAC §§ 69–05.2–01–02, definition of “blaster” and renumbering of §; 69–05.2–17–01; 69–05.2–31.
June 18, 1985 .....	February 18, 1986 ..	NDCC 38–14.1–04.2, .3, –7, –10, –14, –21, –30, –33; NDAC 69–05.2–04–01, –06–02, –08–03, –09–02, –08, –09, –10–03, –16–09.
May 30, 1986 .....	October 21, 1986 ...	NDAC 69–05.2–01–02 (11), (12), definitions “coal preparation,” “coal preparation plant,” “coal processing plant,” 08–05(2)(c)(5), –09–19, –13–13, –15–01, –02, –03(2), –04, –16–04(1)(b), –09(22), –15–01, –21–03.
September 8, 1986 ...	December 9, 1986 ..	NDAC 69–05.2–12–20.
April 3, 1987 .....	November 16, 1987	NDCC 38–14.1–16(2), (7), –17(7).
February 10, 1987 ....	February 2, 1988 ....	NDAC 69–05.2–12, –13–04, –23.
June 1, 1988 .....	March 10, 1989 .....	Amendment X, “Standards for Evaluation of Revegetation Success and Recommended Procedures for Pre-and Post- mining Vegetation Assessments”.
April 11, 1989 .....	August 4, 1989 .....	NDCC 38–14.1–37, –39.
November 1, 1988 ....	January 19, 1990 ...	NDAC 69–05.2, 2–01 through –31.
November 20, 1990 ..	January 9, 1992 .....	NDCC 28–32–02(3), (4); NDAC 69–05.2–01–02, –03(4), (5), (7), –04–01(5)(b), –05–06(1), (1d), –06–01, –02(3) through (6), –08–05(2), (2C), (2e), –09(3b), –15, –09–01(4), –06(1), (2), –09(1)(c)(7–8), (1)(e), (2)(c through e), (h), –17(1), (2), –19(1), –10–03, –05(3a, e), –11–03, –12–01(4), (10), –12(3), –18, –20, –13–08(2) through (6), –12(4), –13, –15–04(4)(a)(2)(c), –16–03, –07(2a), –09(9), (17), (18), (20), –12(1), –14(3), –20, –17–01(2), –05(1), –18–01, –12(f), –20–03(1b, d), (3), –22–07(4)(e) through (i), –23–01, –24–01–09, –25–03(2), (4), –26–05, (3), –28–03, (7), 16 through 18.
June 12, 1991, November 19, 1991.	August 20, 1992 .....	NDCC 38–12.1–03–2.b, –05–2.d; 38–14.1–02–33.a, –24.13.a, –30.3.c through g(1), (2); NDAC 43–02–01–18.1, –20; 69–05.2–01–01–3, –05–08, –08–01, –02; 69–05.2–08, –10.1a, –12; –09–04, –09, –10, –11, –14, –17, –10–02, –11–01.5, 02, –12–01, –05 through –08, –12–11, –12, –14, –16, –13–06, –08, –14–01, –15–02, –16–04, –06, –12, –22–07, –25–03, –04; 69–05.2–32, –32–01.1.b.
April 21, 1993 .....	March 15, 1994, July 22, 1994.	NDAC 69–05.2–06–02(3), –09–01(4), –10–03(1), (1)(a), (4), –13–02(4)(e), –08(3) through (6), –15–04(3), –16–09 (13), (14), (16), –20–03(3), (4); NDCC 38–14.1–21(5), –24(13)(e), –37(2), (a) through (f), (3) through (6); 38–12.1–04(1)(a); 43–02–01–05, –20.3(c)(2); 43–02–01–05.
October 22, 1993 .....	July 22, 1994 .....	NDAC 69–05.2–17–02, –29–01(2), –02(1)(a), (b), –03(2), (5), –04, –05, –06(1)(a), –07(1), –08(1)(a) through (e), (2).
November 10, 1994 ..	April 13, 1995 .....	NDAC 69–05.2–04–07(3)(a), –05–09, –06–01(2), –02(6), –10–03(5), –11–01(1)(d), –03(5)(c), –06(1)(c), –12–09(2), –15–02(2a), –16–09(7), (20), –21–01(2), –28–03(6).
February 17, 1994 ....	July 14, 1995 .....	Policy document entitled “Standards for Evaluation of Revegetation Success and Recommended Procedures for Pre- and Postmining Vegetation Assessments”.
March 20, 1996 .....	April 28, 1997 .....	NDAC 69–05.2–09–02.8 –13–02, –15–04.4a(2)c, –19–04.2, 3, –22–07.3.c, 4.d, 4.i, –26–05.3.c; 69–05, 22–07.4.j, .k; changes to new names of U.S. Natural Resource Conservation Service and the North Dakota Department of Health.
May 2, 1997 .....	August 25, 1997 .....	NDCC 38–14.1–04.1, .2, .3.
April 12, 1995 .....	September 16, 1998	Statute: NDCC 38–14.1–37(4); NDCC 38–12.1–08; Rule: NDAC 43–02–01.
April 9, 1998 .....	January 8, 1999 .....	Revegetation Success Policy Doc. II–C, Prime Farmlands standards. II–F, Woodlands cover standards. II–H, Wetlands standards. II–I, Recreational land use standards for tree and shrub stocking. III–D, Methods for sampling woodland cover.
August 29, 1997 .....	March 16, 1999 .....	Rules: NDAC 69–05.2–13–01; NDAC 69–05.2–22–07.4.1; NDAC 69–05.2–28–19.
March 31, 1999 .....	July 20, 1999 .....	NDCC 38–14.1–30.3.f.
September 2, 1998 ...	November 8, 1999 ..	NDAC 69–05.2.90 NDAC 69–05.2–01–03 NDAC 69–05.2–05–09 NDAC 69–05.2–09–09 NDAC 69–05.2–13–02 NDAC 69–05.2–13–08 NDAC 69–05.2–15–02 NDAC 69–05.2–15–04 NDAC 69–05.2–16–09 NDAC 69–05.2–19–04

[62 FR 9948, Mar. 5, 1997, as amended at 62 FR 22894, Apr. 28, 1997; 62 FR 44900, Aug. 25, 1997; 63 FR 49434, Sept. 16, 1998; 64 FR 1130, Jan. 8, 1999; 64 FR 12900, Mar. 16, 1999; 64 FR 38827, July 20, 1999; 64 FR 60659, Nov. 8, 1999]